

CITY OF ALAMO HEIGHTS
CITY COUNCIL
August 25, 2008

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:00 p.m. on Monday, August 25, 2008.

Present and composing a quorum were:

Mayor Louis Cooper
Councilman Stan McCormick
Councilman Bobby Rosenthal
Mayor Pro-Tempore Councilwoman Jill Souter
Councilman Bill Kiel
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman
City Attorney Mike Brennan
Assistant to City Manager/Information Technology Manager Marian Ramirez
Finance Director Cynthia Barr
Human Resources Manager/Deputy City Secretary Judith E. Surratt
City Secretary Denise M. Silva
Community Development Director Ann McGlone
Public Works Director Shawn P. Eddy
Police Chief Rick Pruitt
Fire Chief Bill Hagendorf

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Mayor Louis Cooper called the meeting to order at 5:05 p.m. The Mayor announced to the audience that the meeting was starting early today to allow the Council to conduct interviews with two citizens who have expressed an interest on serving on a board or commission prior to the start of the regular business meeting.

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Item #1

Community Development Director Ann McGlone explained that the Mayor nominates candidates for the boards and commission; the Council then conducts interviews with the candidates; and at a subsequent meeting, the Council votes on their appointments. Ms. McGlone then introduced two candidates for positions on a board or commission, David B. Brigham and John B. Hertz

Both Mr. Brigham and Mr. Hertz gave short presentations on their individual history with Alamo Heights and their qualifications for serving on either a board or commission.

Council Members questioned both candidates about their reasons for wanting to serve, their availability to serve, their opinion of the proposed Comprehensive Plan and what they thought the City's immediate and forthcoming challenges were.

Both candidates related their preferences for the small town atmosphere of Alamo Heights and expressed their concerns for increased development and the related problems for the neighborhoods.

The Mayor and Council thanked Mr. Brigham and Mr. Hertz for their interest in serving, informed them that there were two more candidates to be interviewed at the next Council Meeting and that they would be notified when a decision was made.

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City Manager's Report

Item # 2 Chief Pruitt introduced Richard Vasquez with HEB. Mr. Vasquez talked about the upcoming 9-11 Helping Heroes Event sponsored by HEB honoring the contributions by fire and police personnel. Mr. Vasquez explained that this part of their community outreach program and was a special event conducted in local fire and police departments by 56 stores. Mr. Vasquez elaborated on the attendees and the agenda for the ceremony.

Council Members attested to the significance of this event and urged the public to attend. Council thanked Mr. Vasquez and HEB and conveyed the citizens' appreciation to HEB for recognizing the fire and police personnel.

Finance Director Cynthia Barr presented an update to possible legislation for the addition of a fuel surcharge to the fees assessed on traffic citations by municipalities. Ms. Barr explained that she serves on a TML committee that reviewed this topic and for the present, TML is adopting a "wait and see" position. Ms. Barr added that when and if this possible legislation moves forward, she will report back to Council.

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Consent Items

Mayor Cooper announced that in the interest of time, he was moving the Consent Items up on the Agenda; then proceeded to read the captions to the two items.

Item #7 A request by the Alamo Heights Independent School District for the closure of Broadway from Townsend Avenue to Tuxedo Avenue from 4:00 p.m. on September 24, 2008, for the annual "Howdy Parade".

Item #8 Acceptance of an award of video surveillance equipment valued at \$11,400.00 to the Alamo Heights Police Department from the Commercial Equipment Direct Assistance Program.

Councilwoman Harwell made a motion to approve both Consent Items, with Councilman Rosenthal seconding her motion. All Council Members voted in favor and the motion passed.

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Citizens to be heard concerning items not listed on the agenda

Ms. Margaret Houston, 140 Patterson Avenue, referred to the City's recent Newsletter and spoke about the article about the upcoming Citizens' Academy. Ms. Houston, who has been through the course herself, commented that there was good information for everyone on being safe and the importance of getting to know emergency personnel. She encouraged citizens who have not participated in the academy to do so.

Mr. Ken Brown, 2454 Toftrees, San Antonio, introduced himself as the representative of Kathy and Vernon Friesenhahn who live at 300 Torcido and expressed their concern for the structure being built in the front yard set back at 308 Torcido. Mr. Brown relayed to Council that the Friesenhahns were informed that the City has issued a Cease and Desist Order until a variance application has been submitted and approved by the owners of the property, and that the application has already been submitted. Mr. Brown added that it is also their understanding that a meeting with the neighbors will take place tomorrow.

Ms. Pam Kiel, 124 Corona Avenue, brought to the Council's attention an article in this week's *Current* that reports that in 2006 the Department of Homeland Security allocated funds for the protection of folk museums throughout the country and that ten million dollars was designated for the protection of Barney Smith's Toilet Seat Museum. Ms. Kiel wanted to know if the City received this money and if not, suggested that the Council look into where that ten million dollars went.

Mr. Frank Burney, 300 Convent, #2500, San Antonio, informed Council that he represents Paul and Peggy Pace who own the property at 308 Torcido Avenue and informed everyone that they were working hard to resolve this situation, adding that Mr. & Mrs. Pace would be at the meeting tomorrow at 4:00 pm with the neighbors and without attorneys.

Mr. Andrew Scott, 262 Tuxedo Avenue, asked about what was going on along Austin Highway. He stated that he had noticed a lot of construction and signs showing property had been sold on the west side of the road. Mr. Scott specifically asked if apartments or condos were going to be built on this property and if a traffic study had been done. Mr. Scott explained that he had been in Australia for some time and was not

up to date on what was going on. Councilwoman Souter informed Ms. Scott that the Council could not respond as this item was not posted on the Agenda but she would be happy to meet with him later to discuss the topic.

Ms. May O'Neal, 434 Abiso Avenue, spoke to Council about a book covering how transformers were built between the 1920s and 1970s; that even though they were banned in the 1980s, they still exist and little is known about where they are. Ms. O'Neal offered the book to Council Members to read if they were interested.

Councilwoman Souter requested that Staff come back to Council at the September 8th City Council Meeting with a briefing on the property situation at 308 Torcido.

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Item #3 Public Works Director Shawn Eddy informed the Council and audience that after a resident had made City management aware of a problem with an old transformer on the utility pole in her yard, Staff requested that a CPS Energy representative attend the City Council Meeting and address this problem. Mr. Eddy then introduced Mr. Albert Lara, Systems Reliability Manager, and Ms. Doris Cooksey, Senior Environmental Analyst, with CPS ENERGY.

Mr. Lara explained CPS Energy procedures for inspecting, repairing and replacing transformers in great detail adding that safety was their number one priority.

Councilwoman Harwell inquired if there was a catalog of transformers in Alamo Heights and if CPS Energy records showed how old the transformers were.

Mr. Lara responded that CPS Energy has records of where transformers are in their GIS and that many of their old records that were kept manually were transferred into their data base but not all. Mr. Lara went on to say that the issue in Alamo Heights could have happened anyplace and that even new transformers can fail.

Councilwoman Harwell asked if there were any education materials that CPS Energy sends out to citizens informing them of how to recognize when there is a problem with one of these transformers.

Mr. Lara responded that there were not; however, if citizens saw seepage coming from a transformer or the grass or plants around the bottom of a utility pole was dying, they should contact CPS Energy for inspection.

Councilman Kiel relayed that his impression was CPS Energy waited until something breaks or leaks before anything is done about it and that they really do not know where these transformers with PCBs are.

At this point, Ms. Cooksey came to the microphone to address Mr. Kiel's remark. Ms. Cooksey explained that some equipment had PCB's at one time but were no longer

manufactured after the late 1970s and most were removed from service. She added that these transformers were installed in high-rise buildings, hospitals, etc. as they afforded more protection against fire incidents but, for the most part, they were not placed in residential areas unless required by insurance companies. Ms. Cooksey went on to explain that of the total number of transformers in use, approximately 200,000, 86% have no PCBs, 13% have low-level amounts and 1% has high-level amounts and these are mostly in commercial areas, not residential and. Continuing, Ms. Cooksey said that approximately 1% of the existing transformers are involved in spills and 1% of that number contains high-level PCBs. She explained that it was a business decision on whether to try to locate such a low number of transformers or channel their resources in another direction, such as the expansion and upgrade of services to customers. She added that CPS Energy adopted a two-part procedure: 1) To remove the transformers from service rather than repair and return them and 2) A rapid response program to reports from customers of leakage. Ms. Cooksey then proceeded to inform everyone on the means to identify leaking transformers: wet spot on transformers or, dying landscaping around the bottom of a utility pole, and a strong odor on hot and dry days.

Councilman McCormick asked if the fumes can harm residents.

Ms. Cooksey responded that the fumes could not hurt anyone; however, they could make someone nauseous just like spraying any aerosol can do. Ms. Cooksey went on to say that PCBs are not immediately hazardous to your health, but long-term exposure and high doses would be.

Councilman Kiel asked if it was possible to test for PCBs in the transformers while in place, without removing them from the pole.

Ms. Cooksey replied that there was a company that did this by putting a small hole in the transformer and extracting the fluid which often caused damage to the structural integrity of the transformer. She cautioned that this could result in leakage from the transformer later on and then the unit would have to be taken out of service and replaced and it is a very expensive process.

Councilwoman Souter asked Ms. Cooksey if there was a way to identify these transformers, how to tell the age of the transformers in Alamo Heights and what the life span was for these transformers. Ms. Cooksey response was no, you could not identify the older transformers unless they were leaking and that the average life span for a transformer was 40 to 50 years.

Councilman Kiel asked if the old transformers could be identified by the number on the plate on those built before 1983. Ms. Cooksey responded with no, manufacturers did mount plates on the transformers but they did not list PCBs on the plates.

Councilman Kiel asked if PCBs were listed on the plates after 1983. To which, Ms. Cooksey replied yes, after that time it was required to be stamped on the plate.

Councilman Kiel inquired if someone climbed the pole and inspected the plate, would they be able to tell if that transformer was an old transformer. Ms. Cooksey responded that yes they could tell but if we do it for one customer we must do it for all customers and with 200,000 transformers in service, it would be very costly.

Councilman Kiel challenged Ms. Cooksey facts saying he did not accept her statement that PCBs are not dangerous. Mr. Kiel emphasized that this is a safety issue and CPS Energy has no records to show the locations of these PCB transformers. Ms. Cooksey replied that it is just 1% of 1% of the existing transformers that have high amounts of PCBs, which is a very low risk. Councilman Kiel responded that it is very worrisome to him that CPS Energy waits until a unit fails to replace it.

Councilwoman Harwell inquired if Ms. Reveley's spill had a low risk or high risk level of PCBs. Ms. Cooksey stated that Ms. Reveley's transformer contained no PCBs.

Councilwoman Souter asked Ms. Cooksey if she could tell the Council what the risk was in Alamo Heights and if in the case of a spill, if the customer receives a letter from CPS Energy stating that the soil is clean in the event they want to sell their property. Ms. Cooksey replied that the risk is 1% and that if a spill occurs and there are PCBs present in the soil, CPS Energy issues such a letter; otherwise, only if requested by the resident.

Councilman Rosenthal asked what the cost to test a transformer in place was. Ms. Cooksey replied that she was not sure - that she did not work in that area.

Councilman Kiel requested that CPS Energy get back to City Staff on these numbers and asked if the EPA required testing of transformers. Ms. Cooksey stated that CPS Energy would get back with Staff with this information and that the EPA does not require testing of transformers.

Councilwoman Souter asked how many transformers were in Alamo Heights and what caused the transformers to leak. Ms. Cooksey said that there were 700 transformers in Alamo Heights. She reported that the main causes of leakage in transformers was wind and storms, utility poles being hit by cars, overheating; and on ground units, fire ants nesting in the transformers causing moisture to collect and rust to form and pets relieving themselves on the units, also causing rust.

The CPS Energy presentation having concluded, the Mayor opened the discussion to citizens who had signed up to speak on this agenda item.

Ms. Margaret Houston, 140 Patterson, wanted to know if there was something our police and fire personnel as first responders should know about dealing with a leaking unit. Ms. Houston also noted that CPS Energy trims around trees and requested that they notify residents when they do. Also, she requested that CPS Energy send their A-team to trim around heritage trees in Alamo Heights and if it was possible for CPS Energy to notify residents when this was to be done.

Ms. Cooksey replied that CPS Energy offers training for fire department personnel on dealing with leaking transformers but did not know if our department had participated. Mr. Lara said that he would notify the supervisor responsible for the tree trimming of her request.

Ms. Sarah Reveley, 436 Corona Avenue, thanked Council and City Staff for following through with her concerns; and that the EPA had suggested to her that CPS Energy hold a town hall meeting with residents but that this was a good start. Ms. Reveley went on to say that she was very upset by the information presented by CPS Energy. Ms. Reveley talked about the map she had put together showing the locations of old transformers in Alamo Heights that she had distributed to Council and the audience. She added that an engineer with CPS Energy talked to her about her problem and informed her that these old transformers were all over Alamo Heights, Olmos Park and Terrell Hills, and advised her on how to recognize them. Ms. Reveley elaborated on the various ways to identify the transformers. Ms. Reveley finished by saying that she did receive a letter from CPS Energy that afternoon informing her that there were no PCBs in her transformer and that she had sent it to her attorney for his review.

Ms. Margaret Spencer, 140 Patterson Avenue, wanted to know if the older transformers look differently from the newer ones and if the City had any records on transformers that were installed. Ms. Cooksey responded that she didn't know about the ways of identifying the older transformers that Ms. Reveley had mentioned. Councilman Kiel interjected that he would like for CPS Energy to check on this and get back to Council, saying that it was his suspicion that there are very few of these transformers left out there but there must be some way of identifying them. Councilman Kiel emphasized that it was important to find out as this was not going to stop here. Mr. Lara stated that he would check with the engineer to see where she got the information on identifying the older transformers and would get back to the Council to either confirm or deny if there are visual ways to recognize them. Staff added that there were no records on transformers installed in Alamo Heights.

Councilwoman Souter asked Ms. Cooksey if she knew of any other leaks that had occurred in Alamo Heights in the last 2 or 3 years. Ms. Cooksey answered that she was not sure. Councilwoman Souter then asked her if there was any way to check on this. Ms. Cooksey said yes, she would do so.

Ms. Peggy Forester, 203 Lamont Avenue, stated that there were 2 transformers on the pole on her property that are old and rusty. Ms. Forester requested that Ms. Cooksey get back to the residents on what they should do, if they should be checking for leaking oil. Ms. Cooksey recommended that she keep an eye on them and check for any odor coming from them; adding that just because a transformer has rust on the outside doesn't mean it is leaking.

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Item #4 Public Works Director Shawn Eddy presented an update to the 2008-2009 Capital Improvement Program (CIP) which included the status of all of the current projects in both the General Fund and the Utility Fund earmarked for the CIP projects. Mr. Eddy reported that the reconstruction of East Castano Avenue is proceeding as planned; however, is running a little behind because of recent rains but is ready for pavement to be put down as soon as it dries up. The contractor still plans to complete the project in October. Mr. Eddy informed Council Members that after reviewing the results of the Sylvan Hills Traffic Study, the traffic engineer is recommending striping East Castano Avenue with two lanes eastbound and one lane westbound with creating parallel parking spaces along the north side of the street. Mr. Eddy showed Council a rendering of the area and indicated how the traffic move through the area. He then went on to talk about the new elevated water tank, explaining that the old water tank could be removed after the new tank was completed and that a salvage company may actually come in and dismantle it at no cost to the City just to get the steel from the tank. He suggested to Council that if the City was going to proceed with water fluoridation that this will be the time to do it so that the necessary equipment could be incorporated into the plan for the new water tank. Mr. Eddy concluded his presentation with an update to the CIP schedule.

Councilman Rosenthal commented that this was awesome and asked if Staff has approached any of the residents on the north side of the street about the parallel parking behind their property. City Manager Rebecca Waldman responded saying that Staff would meet with the neighborhood to go over the project plans.

Councilman Kiel commented that they would be getting into cold weather towards the end of the project and wanted to know if the project would be delayed if the temperature got too cold. Mr. Eddy answered that the colder temperatures should not impede the completion of the project; however, heavy rains could create delays.

Councilwoman Souter asked Mr. Eddy about the status of the RFQ for the architect for the City complex project. Mr. Eddy's response was that Staff would be working on it next week and that he should be able to report to Council at the next meeting that the RFQ was out. Ms. Souter also asked if he had any information of the new FEMA maps yet. Mr. Eddy replied that he did not.

Ms. Margaret Houston, 140 Patterson Avenue, congratulated Mr. Eddy and Staff on their hard work, adding that she had lived in the Sylvan Hills area for 25 years and she had never seen anything like this. She then asked if anything would be done about the condition of the pavement on Patterson Avenue at Broadway caused by 18-wheelers traveling over it to make deliveries to Central Market. She noted that she did not see that project in the CIP update. Ms. Houston asked Staff to keep in mind, in regards to the Castano Avenue project, what happens on West Elmview Place affects the traffic around the high school and if City Staff had considered the use of off-duty officers to regulate traffic around the high school. Ms. Houston also wanted to know if parking spaces would be eliminated by this project.

Mr. Eddy responded saying that West Elmview Place is not included in this project and that the City has no plans to remove any parking spaces. In regards to Patterson Avenue, Mr. Eddy stated that Staff is aware of the condition of the street and that it is near the top of the list in the 20 year street maintenance program.

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At 7:50 pm, Mayor Cooper called for a short break in the meeting. Mayor Cooper reconvened the meeting at 8:00 pm.

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Item #5 Mr. Eddy gave a PowerPoint presentation on the projected costs to fluoridate the City's water supply as authorized by Ordinance No. 1547, passed and approved on May 10, 2004. Mr. Eddy informed Council that it could cost anywhere from \$10,000 to \$100,000 to install and that the Texas Department of Health had provided an estimate of \$68,305 but only a competitive bid process would provide an actual cost. Mr. Eddy talked about the delivery of services and how fluoride delivery and storage would be at three locations: TMI, Alamo Heights High School and the Public Works yard. He reminded Council Members that instances of poverty were cited for creating the need for water fluoridation but noted that in Alamo Heights only 3.7% of children were below the poverty line, making the cost per child prohibitive. Mr. Eddy then asked for Council's direction on how Staff was to proceed with this project.

Councilwoman Souter referenced slide #1 and talked about the estimated cost and that the data was about the same as it was in 2004, adding that there was some grant money available at that time that is not available now. Ms. Souter asked if Staff had talked to other Texas cities about what their costs are. Mr. Eddy replied that he had only talked to San Antonio Water Systems and the Texas Department of Health about the cost involved.

Councilwoman Souter noted that Slide 3 addressed the wells, commenting that in 2004 the plugging of two wells was discussed. Ms. Souter asked Mr. Eddy if we would inject four wells or six wells. Mr. Eddy responded that there were no plans to plug any wells.

Councilwoman Souter then asked if we tested our wells for natural fluoride levels, adding that the City of Buda has a well that produces a high level of natural fluoride but no one seems to know why. Councilman Kiel responded to her question, saying that the wells are tested every year and usually have a .3 reading.

Councilwoman Souter asked Mr. Eddy where the costs listed on slide 6 came from. Mr. Eddy responded saying that those costs came from the State of Utah.

Ms. Souter went on to say that the cost to install and maintain a fluoride system was going up and that the City of Ft. Worth had ceased fluoridation of their water

because of the rising cost. Mr. Eddy added that fluoride is an acid and there has been a consolidation of suppliers who provide this chemical in the industry - fewer suppliers of the chemical has led to increased prices - a 40% increase since last year. He reported that the supplier to the City of San Antonio has cancelled all of their contracts for delivery of this product and now only supply it to the City of San Antonio whose costs have gone over the estimated costs by two million dollars. Ms. Souter stated that it would be helpful to get more information from other Texas cities about the cost involved and that she is concerned with this aspect of the project.

Dr. Corky Carnahan, 4001 N. New Braunfels Avenue, explained to everyone that he was from the Alamo Heights area and had graduated from Alamo Heights High School as did his wife and now his children were attending Alamo Heights schools. He added that he has practiced dentistry for over 35 years. He then explained to Council that there is fluoride in all water to a degree and that we are augmenting it, not adding to it. He then wanted to know why it had not been installed at the time it was voted on.

Councilman Kiel responded saying that there were issues with the cost to implement and maintain and questions came up from two Council Members and some citizens as well. He went on to say that the Mayor at the time, Bob Biechlin, said that the City would deal with the cost when the time comes.

Mr. Carnahan informed the Council that there were two experts present to answer any questions that they might have, Mr. Tom Napier with the Texas Department of Health (TDH) and Dr. David Cappelli with the University of Texas Health Science Center (UTHSC).

Mr. Napier with TDH introduced himself to the Council and audience. He requested permission to hand out a pamphlet describing what TDH does and explained that he might be able to answer any questions about the related costs involved with water fluoridation as he was present at the 2004 Council Meeting and provided most of the information to the Council at that time. Mr. Napier went on at length about how the process works and the various costs associated with the whole process.

Councilman Kiel in a statement directed at Mr. Napier said that in 2004 Mr. Napier said that the cost per year to fluoridate our water was \$1,600. Mr. Napier replied that at that time the cost was about \$1,600. He proceeded to give an overview of costs for the equipment but confirmed that the cost of the chemical had increased significantly as well as the cost of fuel for the delivery trucks. Mr. Napier reminded Council Members that in 2004 there was a grant available that would have covered the entire cost but that the City had declined to participate.

Councilman Kiel and Mr. Napier conversed back and forth about other Texas cities that were utilizing the system, with Mr. Kiel emphasizing that the process is very expensive and complex and would require a fair amount of training, adding that there are significant safety issues as well. Mr. Kiel then read a list of required safety equipment from the Texas Fluoride Operator's manual.

Councilwoman Harwell asked if the City would have to install one of these systems at all wells; to which Mr. Napier said yes. Ms. Harwell then commented that this could be a safety/training issue. Mr. Napier replied that TDH would provide the training.

Councilman Kiel then read quotes from two documents; a CDC report stating that there are high incidents of injuries associated with this system compared to other and TDH accident rate is the highest. He then read from the TDH Operators Manual about the safety issues with the chemicals used and the required safety equipment that must be purchased and stored at each well.

Councilwoman Souter stated that if liquid is used, you have to have a shower on site. Mr. Napier replied that with the safety measures currently in place, showers are no longer needed; just a water faucet to wash off any of the chemical that gets on the hands. He then proceeded to talk about the safety equipment needed at each well.

At this time, Mr. Kiel asked Mr. Napier what happens when there is an over-feed. Mr. Napier responded that there is no documentation of this happening in Texas; that there are too many safety steps in place to prevent such an incident.

Discussion about other Texas cities providing fluoridated water and the associated costs continued at length.

Next to speak was Dr. David Cappelli with UTHSC. Dr. Cappelli distributed a pamphlet detailing the benefits of fluoride and talked about how it works in preventing tooth decay, emphasizing that it has been a proven cost-effective method for 60 years. Dr. Cappelli explained that it works in two ways; 1) works with water to reduce tooth decay and 2) makes the tooth stronger and more resistant to decay; adding that the primary effect is that it prevents decay in children and older adults as well.

Councilman McCormick asked if in mature people brushing two times a day would accomplish the same thing. Dr. Cappelli replied that it is part of a whole package; a regimen to reduce decay.

Councilman Kiel questioned Dr. Cappelli about where the data presented to Council in 2004 came from. Dr. Cappelli answered that the data came from a CDC study.

Councilman Kiel then asked to go to slide #4 of his PowerPoint presentation and noted that the study shows secondary benefits; the benefit is topical, not systemic. He then asked to go to slide #22 and went over the data from the studies. Councilman Kiel reported that 98% of Europe was unfluoridated but experiences about the same rate of tooth decay as does those countries that have fluoridated water. Dr. Cappelli argued that it was simply not correct; that their water contains salt fluoride.

Mayor Cooper interjected that there were a number of citizens who signed up to speak on this item and called the first person on the list to the podium.

Ms. Marcelle Rose, 119 Grandview Place, who is a long-time resident of Alamo Heights wanted Council to know that she was not in favor of fluoridating the City's water system as it is an industrial byproduct and negatively affects bones. She encouraged Council Members to repeal the ordinance.

Mr. Donald Starkweather, 225 Albany Street, also spoke against fluoridation. Mr. Starkweather stated that he moved to Alamo Heights in 1939 and that he will be 75 years old this month, has never used fluoride and still has all his teeth.

Ms. Nancy McHugh, 129 Inslee Avenue, stated that she had only lived in Alamo Heights for 40 years and she understood that only Cambridge Elementary is served by Alamo Heights Water but was not sure about it but she wanted Council to know that she was against installing fluoridated water. Councilman Kiel respond to her question saying that both Cambridge Elementary and Alamo Heights High School received water from the City.

Ms. Margaret Spencer, 140 Patterson Avenue, voiced her opposition to fluoridation; she felt that there were enough chemicals in our water.

Once again, lengthy discussion ensued regarding the accuracy of the reported benefits of fluoridated water and Councilman Kiel stated that he felt that more studies needed to be done.

Mayor Cooper informed the Council Members that the Council needed to give Staff some direction on how to proceed with this issue.

Councilman Kiel asked that it be brought back to the next City Council Meeting for further discussion and determination by the Council on whether the ordinance should be rescinded.

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Mayor Cooper announced that he was moving item #10 up on Agenda.

Item #10 Community Development Director Ann McGlone presented to Council for their Consideration a Request for a Demolition Permit for 638 Ogden Lane by William Rotzler, owner, to demolish 100% of the existing one-story house for the purpose of providing a vacant lot on a property zoned Single Family-B. Ms. McGlone reported that Staff had received no comments for or against the project and that the property owner had received citations for maintenance issues but is now in good standing.

Mr. Rotzler related the history of the house that was built by his family and the emotional decision to demolish it rather than remodel. He stated that originally he and his wife had planned to remodel the house and live there but that during the process, their

architect passed away and the whole project came to a halt. He elaborated on the deteriorating condition of the structure and that he could not afford the high cost to restore it at this time. Mr. Rotzler felt certain that the local residents would be very happy to see it gone. He commented on the high fee structure for review of his demolition request and asked Council to revisit the fees or consider lesser amounts for unusual circumstances like his.

After a short discussion of the request, Councilman Rosenthal offered a motion to approve the Demolition Permit for 638 Ogden Lane, with Councilman Kiel seconding the motion. The motion passed by unanimous vote.

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Item #11 Ms. McGlone presented another request for a demolition permit to Council for property at 532 Argo Avenue by Russell Armstrong, owner, to demolish 100% of the roof and 32% of the exterior walls of the existing one-story house and 100% of the detached one-story garage for the purpose of constructing a new two-story house and a detached one-story garage on a property zoned Single Family-B. Ms. McGlone reported that Staff had received no communication for or against the project before the meeting, the proposed project meets all requirements, and Staff recommended approval.

Councilman McCormick asked Mr. Armstrong if he was the owner or builder. Mr. Armstrong responded that he was both. Mr. McCormick asked Mr. Armstrong if he was going to live in the new house. Mr. Armstrong answered that he planned to.

Councilwoman Souter noted that the house had asbestos siding and asked Ms. McGlone to ensure that it was removed and disposed of according to state law.

A brief discussion ensued, followed by a motion by Mayor Pro Tempore Souter to approve the demolition permit. Ms. Souter's motion was seconded by Councilwoman Harwell and all Council Members voted in favor. The motion passed.

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Item #12 Ms. McGlone then offered for Council's consideration and approval a Resolution establishing a Department of Community Development Policy related to unexpected conditions encountered during demolitions. Ms. McGlone informed Council that this Resolution was written at Council's request to address unforeseeable conditions encountered during the demolition of a property that will require additional demolition over and above what was approved by Council under the original Demolition Permit. Ms. McGlone explained that under this Policy, a contractor who experienced an unforeseen critical issue with the structure that would require additional demolition would be required to stop work and immediately notify the Community Development Department of the situation. Ms. McGlone went on to say that she would be authorized to perform a field inspection the property and make a ruling on whether to allow expanded demolition without the contractor having to go back to the City Council for

approval. Ms. McGlone added that if she approved expanded demolition, she would report it to the City Manager who in turn would present it to the Neighborhood Character and Commercial Revitalization Committee (NCCR); and that if she denied the request, the owner could appeal to the City Council. Ms. McGlone emphasized that contractors who do not contact the Community Development Department when such an incident occurs will be issued a Stop Work Order and assessed a fine.

Ms. Sandra Dryer, 114 Routt Street, encouraged the Council to approve this Resolution. She related to the Council and audience that she and her partner encountered just such a problem and unfortunately made the wrong decision and it was very costly. She related that just last month during the partial demolition, 65% of the whole structure, the contractor found that the house had been damaged by fire and that the wood had not been replaced and was infested with termites. She went on to say that six men were holding up the structure to keep it from collapsing and she had to make a decision and chose to demolish the whole structure; adding that she now faced a \$5,000 fine and wishes that this option would have been available to her.

During a short discussion, Council Members voiced their overwhelming approval of this Resolution to the audience. Councilman Rosenthal made a motion to approve the Resolution which was seconded by Councilwoman Souter. The motion passed by a unanimous vote.

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Mayor Cooper then moved back to Item #9 on the Agenda.

Item # 9 The Mayor read the caption to an Ordinance.

ORDINANCE NO. _____

AN ORDINANCE ORDERING A SPECIAL ELECTION IN THE CITY OF ALAMO HEIGHTS, TEXAS, TO BE HELD ON THE 4TH DAY OF NOVEMBER, 2008, FOR THE PURPOSE OF THE ADOPTION OF A LOCAL SALES AND USE TAX IN THE CITY OF ALAMO HEIGHTS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THE DETAILS THEREFORE AND PROVIDING FOR A PROCLAMATION AND NOTICE OF SUCH SPECIAL ELECTION.

Public Works Director Shawn Eddy gave a brief overview of the purpose of the Special Election and the various projects that would be funded by the additional sales tax collected and if passed, would go into effect on April 1, 2009. He informed Council that by state law, the tax money collected could only be used for street maintenance projects and would provide \$100,000 in FY-2009 and \$200,000 in FY-2010 to fund the start of the 20 year street maintenance program. Mr. Eddy added that the Ordinance also

provides for the City to contract with Bexar County Elections to participate in their joint election; a process that would be cost effective and provide convenience to the voters. In closing, Mr. Eddy stated that Staff is recommending approval of this Ordinance.

Councilwoman Harwell made a motion to approve the Ordinance Ordering the Special Election. Councilman Rosenthal offered a second to her motion. All Council Members voted in favor, the motion passed.

* * *

Item #13 The Mayor read the caption to another Ordinance.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 18 OF THE CODE OF ORDINANCES, TRAFFIC, ARTICLE VI, TRAFFIC SCHEDULES, SECTION 18-147, SCHEDULE B – “STOP SIGNS” TO CREATE A FOUR-WAY STOP INTERSECTION ON OGDEN LANE AT IMLAY/ACACIA STREETS.

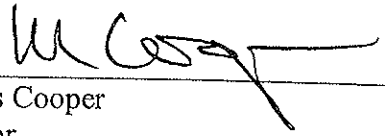
Police Chief Rick Pruitt reported to Council that residents had presented a signed petition requesting stops signs be installed at this intersection and this Ordinance was written in response to those citizens’ concerns about the safety of residents living in the immediate area, and specifically, the many children in the neighborhood. Chief Pruitt explained that the residents were mostly concern with traffic moving too fast through the area and the safety of the children walking to Cambridge Elementary School and joggers; noting that their are no sidewalks on these streets. Chief Pruitt went on to talk about the results of the traffic study at this intersection.

Council engaged in a short discussion on this item which ended with Councilman McCormick making a motion to approve the Ordinance and Councilman Kiel offering a second. The vote was unanimous in favor and the motion passed.

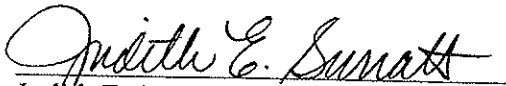
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The Mayor announced that Agenda Items #6 and #14 were being postponed to the next City Council Meeting. The business scheduled for this meeting having been completed, Mayor Cooper asked for a motion to adjourn. Councilman McCormick responded with a motion to adjourn the regular meeting of the City Council followed by a second from Councilwoman Harwell; the motion passed.

Mayor Cooper adjourned the regular meeting of the Alamo Heights City Council at 10:46 pm.

A handwritten signature in black ink, appearing to read 'W Cooper', written over a horizontal line.

Louis Cooper
Mayor

A handwritten signature in black ink, appearing to read 'Judith E. Surratt', written over a horizontal line.

Judith E. Surratt
Deputy City Secretary